

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Delray Palm View, Inc.)	File No. EB-11-MA-0160
)	
Antenna Structure Owner)	
)	
ASR # 1022485)	NOV No. V201132600008
)	
Delray Beach, FL)	
)	

NOTICE OF VIOLATION

Released: September 15, 2011

By the Resident Agent, Miami Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (“Notice”) issued pursuant to section 1.89 of the Commission’s rules,¹ to Delray Palm View, Inc., owner of antenna structure number 1022485 in Delray Beach, Florida.

2. On September 7, 2011, an agent of the Enforcement Bureau’s Miami Office inspected antenna structure number 1022485 located at 2101 South Congress Ave., Delray Beach, FL, and observed the following violation(s):

47 C.F.R. § 17.23: “Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the Federal Aviation Administration’s (“FAA’s”) painting and lighting recommendations set forth on the structure’s FAA determination of “no hazard,” as referenced in the . . . FAA Advisory Circulars.” The FCC’s Antenna Structure Registration (“ASR”) database currently indicates that the antenna structure requires aviation orange and white paint and red obstruction lighting in accordance with FAA Circular Number 70/7460-1H, Chapters 3, 4, 5, and 13. The antenna structure does not conform to these recommendations. The structure is not painted, and is equipped with a medium intensity flashing white obstruction lighting system, and therefore is in violation of 47 C.F.R. § 17.23. In order to come into compliance with the Commission’s rules, Delray Palm View, Inc. must: (1) obtain a new FAA “no hazard” determination indicating that the current lighting system is permitted and then submit a modified antenna structure registration to reflect the new “no hazard”

¹ 47 C.F.R. § 1.89.

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determination, (2) submit a modified registration if a new FAA “no hazard” determination already has been obtained, or (3) come into compliance with the current requirements by removing the white obstruction lighting and painting the tower.

3. Pursuant to section 403 of the Communications Act of 1934, as amended,² and section 1.89 of the Commission’s rules, Delray Palm View, Inc. must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of Delray Palm View, Inc. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Miami Office
P.O. Box 520617
Miami, FL 33152

4. This Notice shall be sent to by Certified Mail, Return Receipt Requested, and regular mail to Delray Palm View, Inc. at its address of record.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Steven DeSena
Resident Agent
Miami Office
South Central Region
Enforcement Bureau

² 47 U.S.C. § 403.

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*